

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14601-14650

[Approved by the Secretary of Agriculture, Washington, D. C., January 28, 1927]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

14601. Misbranding of lemon paste. U. S. v. 36 Cases of Lemon Paste. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21007. I. S. No. 8376-x. S. No. E-3271.)

On or about April 12, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 cases, each containing 6 five-pound tins, of lemon paste, remaining unsold at Linden, N. J., alleging that the article had been shipped by the W. J. Bush Citrus Products Co., San Diego, Calif., on or about January 23, 1926, and transported from the State of California into the State of New Jersey and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "6 5-lb. Tins," (tin) "Confectioners' Lemon Paste 5 Pounds."

Misbranding of the article was alleged in the libel for the reason that the statements in the labeling, "6 5-lb. Tins," and "5 Pounds," were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 17, 1926, W. J. Bush & Co., Inc., New York, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, conditioned in part that the cans be relabeled under the supervision of this department, "Net Weight 4½ Pounds."

W. M. JARDINE, *Secretary of Agriculture.*

14602. Alleged adulteration of canned stringless beans. U. S. v. 52 Cases of Stringless Beans. Tried to the court and a jury. Verdict for claimant. (F. & D. No. 20655. I. S. No. 3883-x. S. No. C-4880.)

On November 30, 1925, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 52 cases of canned stringless beans, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped by the Valley Canning Co., from Springdale, Ark., on or about September 11, 1925, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Valley Brand Stringless Beans, * * * Packed By Valley Canning Company, Hindsville, Ark."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On May 6, 1926, Ed F. Melcher, San Antonio, Tex., and the Valley Canning Co., Hindsville, Ark., having appeared as claimants for the property, the case came on for trial before the court and a jury. After the submission of evidence, arguments by counsel and instructions from the court, the jury retired and after due deliberation returned a verdict for the claimants. Judgment was thereupon entered, finding the product not adulterated and ordering that it be returned to the claimants.

W. M. JARDINE, *Secretary of Agriculture.*

14603. Misbranding of cottonseed feed. U. S. v. 100 Sacks of Cottonseed Feed. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20664. I. S. No. 6609-x. S. No. E-5584.)

On or about December 4, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 sacks of cottonseed feed, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by R. H. Neal & Co., from Americus, Ga., on or about September 12, 1925, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Net Triangle Brand Cotton Seed Feed * * * Manufactured for R. N. Neal & Company, Memphis, Tennessee. Guaranteed Analysis Protein 36.00%."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis Protein 36.00%," borne on the label, was false and misleading and deceived and misled the purchaser.

On February 17, 1926, the Americus Oil Co., Americus, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$260, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

14604. Adulteration and misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20784. I. S. No. 6663-x. S. No. E-5615.)

On or about February 12, 1926, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of cottonseed meal, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Americus Oil Co., from Americus, Ga., on or about January 1, 1926, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cotton Seed Meal Ashcraft-Wilkinson Co. Atlanta, Ga. Paramount Brand Ammonia 7.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in ammonia had been mixed and packed therewith so as to reduce, lower or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Ammonia 7.00% Cotton Seed Meal," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On February 19, 1926, the Americus Oil Co., Americus, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the cost of the proceedings and the execution of a bond in the sum of \$260, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*